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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Fourth periodic reports due in 2000

Addendum

EGYPT*

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[19 February 2001]

* For the initial report submitted by the Government of Egypt, see CAT/C/5/Add.5; for its consideration by the Committee, see documents CAT/C/SR.14 and 15 and Official Records of the General Assembly, Forty-fourth Session, Supplement No. 46 (A/44/46), paras. 123-144.

For the second periodic report, see CAT/C/17/Add.11; for its consideration, see CAT/C/SR.162, 163/Add.1 and Official Records of the General Assembly, Forty-ninth Session, Supplement No. 44 (A/49/44), paras. 74-96.

For the third periodic report, see CAT/C/34/Add.11; for its consideration by the Committee, see documents CAT/C/SR.382, 385 and 389 and Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 44 (A/54/44), paras. 197-216.

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Introduction

1. Egypt has the honour to submit to the esteemed Committee its fourth periodic report pursuant to the provisions of article 19, paragraph 1, of the Convention. The introduction to the present report contains information of a general nature concerning efforts made to promote awareness of and disseminate the Convention and other international human rights instruments, as Egypt's previous reports and its written replies to the Committee during the consideration of the third periodic report have already referred in detail to the general legal framework under which torture is prohibited; the legal status of the provisions of the Convention; and the responsible authorities and the available means of redress.

2. Part I of the report covers measures and developments relating to the implementation of the Convention in sequence from articles 1 to 16 of the Convention and Part II provides additional information and replies to the previous questions and recommendations of the Committee.

3. In order to avoid repetition, when dealing with matters on which there is no new or modified information reference will be made to Egypt's previous reports and its written replies to the Committee during the consideration of the third periodic report.

Information of a general nature concerning efforts to promote awareness of and disseminate the provisions of international human rights instruments

Dissemination and publication

4. As already explained, in accordance with the provisions of the Egyptian Constitution, the Convention forming the subject of this report was published in the country's Official Gazette on 11 November 1972 following completion of the procedures for ratification of Egypt's accession thereto. The significance of publication in the Official Gazette lies in the fact that it enables everyone to keep abreast of the laws and also determines the date of their effective entry into force in the country.

5. The Official Gazette is published, in the Arabic language, in consecutive and special issues which anyone can purchase at bookshops specialized in the sale of government publications. It can also be posted to subscribers. It is sold at a nominal price below production cost in order to ensure that it is easily obtainable by all.

6. The Official Gazette is regarded as an important periodical which public and private libraries are eager to secure as part of their reference works. It is also in great demand by all persons working in the legal field, being a periodical devoted to the publication of laws as required by article 188 of the Constitution, which stipulates that laws must be published in the Official Gazette within two weeks from the date of their promulgation and enter into force one month after the day following the date of their publication unless another date of entry into force is specified. The provisions of laws cannot be applied retroactively although, in non-criminal matters, a stipulation to the contrary may be approved by a majority of members of the People's Assembly (Constitution, art. 187).

7. Although the purpose of publication in the Official Gazette is to keep everyone informed of the laws and to determine the date of their entry into force and the scope of their application, which is primarily a matter of concern to jurists, international human rights instruments are also of great interest to all sections of the Egyptian population. Accordingly, as a token of its commitment to the provisions of those instruments and to the international resolutions adopted in this regard, the Government is endeavouring to make them widely known and understood and to ensure that they are enforced in a manner which exemplifies the lofty humanitarian values associated with the human rights and freedoms which are taught during the social education process, since this is the only way to shape the behavioural patterns of future generations and ensure that they are imbued with those values and rights, aware of their benefits and eager to safeguard their fruits.

8. Needless to say, the endeavours that the State is making to eradicate adult illiteracy, as a constitutionally prescribed national duty, are playing an important and effective role in the promotion of awareness of the principles embodied in the instruments concerning human rights and freedoms, since those who achieve literacy will be able to familiarize themselves with, and fully enjoy, those rights. A steady increase in the number of persons who are aware of their rights and able to defend them is therefore unquestionably guaranteed.

9. The national and party press, political parties, trade unions, white-collar unions and non-governmental and private associations and organizations, which are legal entities with branches throughout the country, are also playing a leading role in promoting awareness of human rights and freedoms by various ways and means consistent with their objectives and with the circumstances and nature of each profession, occupation or workplace. Moreover, governmental and private endeavours to eradicate adult illiteracy and ensure countrywide access to information and cultural services are indirectly playing an important role in broadening the base of knowledge of international instruments concerning human rights and freedoms among all communities and sections of society.

10. In the following section, reference will be made to Egypt's endeavours, measures and plans in the field of education and training.

Education, training and public awareness

11. Egypt realizes that dissemination of human rights awareness is a prerequisite for the promotion of those rights at the international and national levels. The World Conference on Human Rights, held in Vienna in 1993, emphasized the importance of human rights education, training and dissemination as a fundamental step towards the development and promotion of understanding, tolerance, peace and friendly relations between nations. This was followed by the proclamation of the United Nations Decade for Human Rights Education (1994-2004).

12. In keeping with its desire to ensure the widespread dissemination of the concepts and principles of human rights and to promote modes of behaviour, concepts and attitudes that respect the rights and freedoms of all members of society, Egypt has made every endeavour to teach these principles and provide training therein by:

(a) Incorporating the principles of human rights in the academic curricula at the basic stage of education;

(b) Developing university syllabuses in such a way as to include the concepts and principles embodied in human rights instruments;

(c) Providing training in this field for personnel engaged in the administration of justice.

Development of basic and secondary education curricula

13. The principles of human rights, as set forth in international instruments, constitute a rich field for teaching and training and form the main basis of a broad educational syllabus covering patterns of behaviour, attitudes and values which should be inculcated into children and young persons since it is important to teach human rights and explain their fundamental bearing on all aspects of life.

14. Believing that concern for the younger generation is the best way to promote social progress, Egypt has diligently endeavoured to incorporate the concepts and principles of human rights in the academic curricula at the basic stage of education by redesigning and developing the educational syllabuses in such a way as to inculcate these principles by focusing on matters and issues that have a bearing on daily life and by giving students an opportunity to familiarize themselves with the scientific, socio-economic, technical and political changes taking place around them. The principal issues that have been incorporated in the educational syllabuses for the various academic years include human rights, the rights of the child, women's rights, non-discrimination against women, preventive and curative health care, reproductive health, the relationship between population increase and development, religious tolerance, education for peace, national unity and protection of the environment.

15. This was done in a simplified manner consistent with the various age levels and with the need to focus on those values which should be strictly respected from the early years of the child's life. To this end, Egypt has cooperated with a number of international organizations, such as the United Nations Educational, Scientific and Cultural Organization and the United Nations Population Fund (UNFPA), which have specialized technical experience in this field.

16. A number of conferences on the development of educational curricula have been held with a view to incorporating the principles of human rights in the academic curricula. Following the holding of the National Conference on the Development of Primary-Level Curricula in 1993 and the subsequent National Conference on the Development of Preparatory-Level Curricula in 1994, plans are currently being made to modify the secondary-level curricula. Teachers have been trained in ways to instil human rights concepts into the minds of students and have been provided with teaching manuals which explain the manner in which these concepts should be taught in the various lessons and illustrated by international and regional human rights instruments.

17. Creative drawing and writing competitions in the field of tolerance and respect for others have been organized, in collaboration with UNESCO, with a view to promoting a culture of peace. Egypt is also endeavouring to highlight the human right to life in a clean environment and, to that end, is implementing the "green corner" project at schools and is encouraging young students to read books on the environment in order to enhance their aesthetic appreciation thereof.

Development of university curricula for the teaching of human rights

18. Recent years have witnessed an intense wave of activity in regard to the teaching of human rights at many Egyptian universities. This activity has taken the form of the preparation of studies on the incorporation of human rights in academic curricula and the provision of grants for students and members of the teaching staff to attend training courses in this field in and outside Egypt.

19. Many university colleges have collaborated with international institutions and non-governmental organizations operating in the field of law and human rights with a view to developing the teaching of human rights. Symposia and workshops have been held to discuss ways to include human rights-related subjects in the various academic curricula.

20. Human rights are now taught at universities either within the framework of social sciences and the study of public law, particularly international law concerning human rights and international organizations, or within the framework of political sciences, and especially political theories, social relations, philosophy, sociology and history.

21. New branches of study have been introduced in the academic curricula of the faculties of law and politics at the pre- and postgraduate levels and encouragement is being given to the preparation of doctoral theses in this field.

22. Universities are also being encouraged to establish cultural and scientific associations for students and to organize lectures and symposia on the subject of human rights.

23. Academic curricula and syllabuses and teaching methods have been developed for formal and informal university education. In 1990, for the first time, the faculties of law introduced human rights as an independent academic subject in the curricula for fourth-year students, who can obtain a postgraduate diploma therein. Human rights are currently being taught at a number of colleges, including faculties of law, economics, political science and commerce, and at the Police Academy at the pre- and postgraduate levels as an independent subject comprising the study of international protection of human rights, human rights in the Islamic sharia, the legal protection of human rights and the philosophy and various forms of human rights. The importance of teaching human rights at the postgraduate level lies in the fact that many students at that level will be appointed as public prosecutors, police officers, schoolteachers or university professors and the legal, political and practical information and experience acquired during their studies will therefore be useful to them in their field of work.

24. The Egyptian Parliament has recommended that the Convention on the Rights of the Child should be included in the academic curricula of faculties of law, literature, sociology and pedagogy in view of the importance of the dissemination of information on these rights.

25. Egypt's universities are endeavouring to develop their activities in such a way as to promote the dissemination of knowledge concerning human rights values through the establishment of research and study centres specialized in human rights in view of the important role that teaching and academic research play in ensuring that human rights are respected and that the younger generation believes therein. These centres undertake research and studies, publish books and pamphlets on human rights, organize educational, training and information courses and programmes to make human rights and fundamental freedoms more widely known, and disseminate a general culture conducive to respect for the principles of human rights.

Training in the field of respect for human rights

26. Egypt is endeavouring to ensure that all categories of personnel working in the administration of criminal justice attend intensive in-house and external training programmes organized by their ministries and academic bodies concerned with human rights. Police college cadets also study the human rights syllabuses which are taught throughout the period of study at faculties of law and at the College of Post-Graduate Studies. These programmes familiarize the trainees with all the international human rights instruments and the manner in which they should respect them during the discharge of their duties.

27. In this connection, Egypt and the United Nations Development Programme (UNDP) have signed a cooperation agreement for the implementation of a pilot project for the promotion of human rights, which is the first of its type in the region. This agreement made provision for the funding of a symposium to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights and the organization of two training courses in the field of the administration of justice for police officers and members of the Department of Public Prosecutions. The first phase of the project began in July 2000 and representatives of the various ministries concerned with human rights also participated in the training programme which the United Nations organized at Turin in Italy in April 2000.

28. Some members of the judiciary and the Department of Public Prosecutions also participated in the courses held by the International Human Rights Law Institute through national competitions organized in collaboration with the International Committee of the Red Cross.

Problems and difficulties concerning the implementation of the provisions of the Convention

29. The implementation of the Covenant is not giving rise to any legal difficulties, since the Covenant is consistent with the provisions of the Egyptian Constitution and the relevant legislation and, as already mentioned, constitutes part of the country's legislation, with which it does not conflict.

30. The endeavours that the Government is currently making, in collaboration with the international organizations concerned and friendly States, focus on the development and modernization of bodies operating in the field of the administration of justice through the

introduction of the latest computerized systems and electronic archives, which will speed up and facilitate their work and enable them to rapidly access and classify information and take appropriate decisions concerning the practical problems encountered in their work.

31. In fact, these plans are already being put into operation, since a database on legislation and legal and judicial principles has been set up at the Court of Cassation and linked to the courts of appeal, some of the courts of first instance and the Department of Public Prosecutions. Other databases on civil and personal status, criminal evidence and prisons have also been set up at the Ministry of the Interior.

32. In this connection, it should be noted that persons accused in all types of cases brought before the courts frequently claim torture in their defence, whenever the circumstances of the indictment allow them to do so, in order to evade punishment, invalidate the charges brought in the light of the investigation and obstruct the trial proceedings since, under the legal rules of procedure, such a claim must be investigated and either accepted, if found to be substantiated, in which case any confessions extorted through torture are considered null and void and the defendant is acquitted if his confession constituted the only evidence in the file, or rejected, in which case the defendant is punished on the charges brought against him if the allegation of torture is found to be unsubstantiated.

I. COMMENTARY ON THE ARTICLES OF THE CONVENTION

33. In this part, we will be commenting on articles 1-16 of the Convention in accordance with the guidelines laid down by the Committee.

Article 1

34. In this regard, reference can be made to Egypt's previous reports and the replies given during the consideration of Egypt's third report concerning the legal and judicial provisions and principles in force in Egypt, including those mentioned in the third report.

Article 2

Article 2, paragraph 1, concerning legislative, administrative and judicial measures to prevent acts of torture

35. The legislative, administrative and judicial measures that Egypt is taking to prevent acts of torture and other forms of ill-treatment include numerous measures to prohibit acts of torture, prevent their occurrence and guarantee that any reports of torture that are received are immediately investigated by the competent judicial bodies in order to ensure that the persons responsible therefor do not escape punishment and to guarantee the rights of the victim to fair compensation in accordance with the constitutional and legal rules laid down in the Egyptian legal system in the manner already referred to in the commentary on article 1 and in Egypt's previous replies to the Committee during its consideration of the third report. These measures are described in detail below.

Legislative measures

36. Reference can be made to the contents of Egypt's third report in this regard. We wish to add that, in the light of the recommendations made concerning the penalty of flogging, which is prescribed in the Prisons Act as a disciplinary penalty for prisoners, and Egypt's affirmations, during the Committee's consideration of its third report, to the effect that this penalty was no longer imposed, the Ministry of the Interior has drafted a bill of law abolishing the penalty of flogging which is in the final stages of review before being submitted to the current session of the People's Assembly. The Minister of the Interior has also banned the imposition of this penalty pending the promulgation of the bill of law.

Judicial measures

37. In accordance with the provisions of the Constitution, the judicial authority in Egypt is fully independent and members of the judiciary and the Department of Public Prosecutions enjoy judicial immunity and, therefore, cannot be dismissed, the affairs of the judiciary being settled by its own councils. The grave concern that the legislature shows for acts of torture, which are designated as a criminal offence against which safeguards have been provided to protect potential victims, is reflected in the judicial measures which the law requires in cases involving torture (a felony for which severe penalties are prescribed).

38. In its third report, Egypt referred to the measures and safeguards relating to acts of torture, one of the most important of which consists in the judicial inspections of prisons which members of the Department of Public Prosecutions have a legal obligation to conduct in their areas of jurisdiction. The requisite action is taken in regard to any infractions discovered as a result of these inspections, during which the complaints of prisoners are heard and all the prison files and records are examined.

39. The judicial measures taken include the issue of Circular Letter No. 11 of 1999 regulating the procedures for the unannounced inspections which the Department of Public Prosecutions has an obligation to conduct in places of detention, particularly if it receives written or verbal reports or notifications indicating that a person is being held illegally at a police station or other place of detention. A copy of the said Circular Letter is attached to this report (annex I).

Administrative measures

40. The increasing endeavours that Egypt is making to fulfil its human rights treaty obligations and implement the international resolutions and recommendations in this regard are illustrated by its establishment of numerous mechanisms and bodies for this purpose. A standing body, consisting of a specialized Human Rights Department at the Ministry of Foreign Affairs, was established in September 1992 to deal with all aspects of this issue at the internal and external levels in liaison with the other bodies concerned. This Department, which includes representatives of those bodies and is empowered to avail itself of the services of experts in all fields, prepares the periodic reports and replies for submission to United Nations committees, organs and rapporteurs and also provides local bodies with international expertise. The Department is headed by an ambassador holding the rank of Assistant Under-Secretary of State for Foreign Affairs.

41. This trend was further promoted through the establishment, in 1993, of an office specialized in these matters at the Department of Public Prosecutions and through the promulgation by the Minister of the Interior of Ordinance No. 6181 of 1999 establishing a Human Rights Committee chaired by a First Under-Secretary of State for Legal Affairs and including among its members some of the directors of the departments concerned. The Ordinance stipulated that the Committee's function would be to study and propose ways and means to ensure more thorough and effective protection of human rights (annex II).

42. The Directorate-General for Human Rights Affairs at the Ministry of Justice was established in January 2000 to assume responsibility, together with the corresponding bodies in the other ministries concerned, for fulfilment of the legal and legislative aspects of the international obligations arising from human rights instruments, and also to prepare the requisite legal replies to international bodies and to promote greater public awareness and provide training on these matters for members of the judiciary and the Department of Public Prosecutions.

43. The Commission on Public Rights and Freedoms was established at the Council of State in October of the same year to help to clarify the constitutionally stipulated rights and freedoms and the principles of human rights and fundamental freedoms contained in the international instruments concerned and also to study the legislative aspects of the regulation and protection of human rights and public freedoms in the fields of international and domestic law. This Commission issues periodic reports on its activities.

44. Preparations are currently being made for the establishment of a National Human Rights Commission within the framework of the obligation to implement the relevant international resolutions and the Paris principles.

Article 2, paragraph 2, concerning exceptional circumstances and public emergencies

45. Exceptional circumstances and public emergencies are dealt with in article 148 of the Permanent Egyptian Constitution promulgated in 1971.

46. With regard to public emergencies, the Egyptian legislature has adopted the theory of pre-emergency legislation, since the Constitution stipulates that states of emergency should be proclaimed by the President of the Republic in the manner prescribed by law.

47. The Emergency Act No. 162 of 1958 regulates the circumstances and measures relating to public emergencies and the proclamation of a state of emergency (the details of these provisions were cited in Egypt's previous report to the Committee). The Act gives no indication that the provisions of the Penal Code concerning offences of torture, wrongful imprisonment or the use of violence should be suspended, nor does it grant any authority the right to suspend the provisions of the Penal Code or authorize acts which are designated therein as offences. Consequently, torture and other criminal acts continue to be punishable offences even in situations in which a state of emergency has been proclaimed.

48. For further details in this regard, reference can be made to Egypt's third report and its written replies submitted to the Committee during the consideration of that report.

Article 2, paragraph 3, concerning the invocation of orders from superior officers as a justification of torture

49. With regard to the general rules concerning the permissibility of acts in Egyptian law, article 63 of the Code of Criminal Procedure stipulates that it is not an offence for a public official to commit an act in execution of an order issued by a superior officer whom he is duty-bound to obey, nor is it an offence for a public official to commit an act, in good faith, in compliance with the stipulations of the law or in the belief that the said act was within his competence. Under the terms of that article, a public official is required, in all cases, to prove that he committed the act only after careful consideration and inquiries, that he believed the act to be lawful and that such a belief was based on reasonable grounds.

50. In this regard, reference can likewise be made to Egypt's previous report and the court judgements cited therein.

51. In the light of the above, since torture is a punishable offence under Egyptian law and since ignorance of the law cannot be invoked as a justification, orders from a superior officer can under no circumstances be invoked as justification for the commission of acts of torture or violence or any other acts which are designated as offences.

52. The Egyptian legislature deals specifically with the offence of torture in article 126 of the Penal Code, which explicitly stipulates that torture committed by, or on the order of, a public official is a criminal offence. Any person who tacitly acquiesces in an act of torture or commits such an act in compliance with orders is therefore deemed to have committed a criminal act of torture and is liable to the penalties which the Penal Code prescribes for such an act.

Article 3

53. Following Egypt's accession to the Convention and its publication within the country, the obligations of the State party and its competent authorities under the provisions of this article became legally binding obligations which the authorities must honour and anyone who suffers detriment as a result of any decisions taken in violation of the provisions of this article has the right to apply to the courts to enforce his rights thereunder.

Article 4

Article 4, paragraph 1

54. As already indicated in the comments made on articles 1 and 2 in Egypt's third report and its written replies submitted to the Committee during the consideration of that report, the legal status of the offence of torture is determined by the provisions of Egyptian law which prohibit all forms of torture in more general and comprehensive terms than the provisions of the Convention. All the general principles laid down in Egyptian law apply to the offence of torture, including the attempted commission of this offence or participation, complicity, aiding or abetting therein, in

accordance with the provisions of articles 40 and 45 of the Penal Code. Under the terms of article 41 of the Penal Code, an accomplice is liable to the same penalty as the principal offender and attempted commission of the offence is punishable by the penalties prescribed in article 46 of the Code.

Article 4, paragraph 2

55. As already indicated, the legally prescribed penalty is a term of imprisonment with hard labour, which is a severe penalty prescribed for major felonies, and the penalty for murder, namely life imprisonment with hard labour, may be imposed if the victim dies as a result of the torture.

Article 5

Article 5, paragraph 1

56. The Egyptian Penal Code applies to any person who commits in Egyptian territory or on board Egyptian ships or aircraft any act regarded as an offence under the provisions of Egyptian law, irrespective of whether the offender is an Egyptian or a foreigner (Penal Code, art. 1). Consequently, the Egyptian courts have jurisdiction over offences of torture committed in Egyptian territory and the suspect is tried and punished for such offences in accordance with the provisions of Egyptian law.

57. Article 3 of the Penal Code also stipulates that any Egyptian suspected of committing abroad an act that is regarded as a felony or a misdemeanour under the Penal Code must be punished, if he returns to Egyptian territory, provided that the act is punishable under the law of the country in which it was committed.

58. Accordingly, any Egyptian who, while he is outside Egyptian territory, commits an offence of torture punishable under the Penal Code must, regardless of the nationality of the victim, be tried in Egypt for that offence if he returns there, provided that the offence of torture is punishable in the country in which it was committed. In such a case, the Egyptian courts have jurisdiction to try and punish any Egyptian citizen who, when abroad, commits such an offence of torture. Egyptian law has not adopted the nationality of the victim as a criterion for the exercise by Egyptian courts of jurisdiction to try and punish a foreigner who is suspected of committing an offence outside Egyptian territory. Consequently, if the victim is Egyptian, the Egyptian courts have jurisdiction not only when the offence is committed in Egypt, regardless of the nationality of the offender, but also when the offence is committed abroad by an Egyptian suspect who then returns to Egypt, provided that the act is regarded as an offence under the law of the country in which it was committed.

Article 5, paragraph 2

59. The conditions governing the establishment of jurisdiction in regard to offences the perpetrator of which is in Egyptian territory and is not extradited are covered by article 8, paragraph 4, of the Convention, which stipulates that the legal basis on which this matter is dealt with is that, for the purpose of extradition between States parties, extraditable offences are to be

treated as if they had been committed in the territories of the States required to establish their jurisdiction. Such jurisdiction is vested in the courts of the State so required in accordance with the provisions of this paragraph since, following Egypt's accession to the Convention, it became part of Egyptian law and, therefore, must be applied in the above-mentioned situations.

Article 5, paragraph 3

60. The provisions of the Convention do not exclude any jurisdiction by the Egyptian courts in accordance with the provisions of Egyptian law.

Articles 6 to 9

61. The provisions of articles 6 to 9 are directly enforceable and, as such, constitute the legal and legislative basis for the measures prescribed therein in accordance with the Egyptian legal system. Hence, since Egypt's accession to the Convention, they have constituted legislative principles which are directly enforceable in Egypt and binding on all the authorities to which they apply.

62. In the context of international judicial assistance in criminal matters, throughout its history Egypt has always endeavoured to accede to international treaties which combat crime and has also concluded a number of bilateral agreements concerning cooperation in the criminal field. In the absence of any such agreement, the general directives of the Department of Public Prosecutions allow cooperation in that field on the basis of international courtesy and reciprocity in accordance with the provisions of Egyptian law and in a manner that does not conflict with the Constitution, the law or public order.

Article 10

Article 10, paragraph 1

63. The State's plans concerning measures to combat the acts prohibited under the Convention and ensure their effective implementation are based on the key elements of development, training and education. As reference has already been made to the State's efforts to develop and modernize the agencies involved in the administration of criminal justice, the commentary on this article will discuss training, education and information.

Training

64. The State's plans for training personnel in the various specialized agencies involved in the administration of criminal justice are carried out through intensive in-house and external training programmes in coordination with the ministries concerned and with scientific bodies, international organizations and friendly States. Detailed reference has already been made in the introduction to this report to the programmes for the provision of training and the promotion of awareness concerning all the international human rights instruments, including the Convention forming the subject of this report.

Education

65. The State's plans, policies and programmes are based on introducing and providing information on human rights instruments in general during the primary, secondary and university stages of education, which is the best way to instil human rights principles and values in young people throughout the stages of their social upbringing. The effects of this will be automatically reflected in the knowledge and behaviour of future generations. The endeavours that have been made and the programmes that have been formulated in this regard, as well as the results achieved thereby, have already been described in the introduction to this report.

Information

66. With a view to the promotion of greater awareness of human rights instruments, specialized associations such as Egyptian Criminal Law Association, the Egyptian International Law Association, the Egyptian Social Defence Association and the Egyptian Association for the Welfare of Prisoners, in conjunction with similar specialized international bodies in all parts of the world, organize public awareness programmes, conferences and symposia on the relevant human rights instruments.

67. The endeavours that those associations are making in that connection are viewed as important activities which attract considerable interest among their members, as well as interest and participation from representatives of government authorities, parliamentary bodies and the judiciary.

68. Important endeavours are also being made by political parties, opposition newspapers and white-collar trade unions in all sectors, primarily with a view to promoting awareness of the public rights and freedoms of all citizens.

69. Media and cultural institutions are also playing a major role in promoting awareness of human rights instruments through a wide variety of specialized programmes which address the people at all levels using appropriate information materials.

70. In keeping with its constitutional obligations and its objectives as specified in the Press Act, the press is one of the most effective mechanisms for the promotion of awareness of human rights by virtue of its role in disseminating culture, following up news reports and monitoring important issues of public interest.

Article 10, paragraph 2

71. The above-mentioned Egyptian legislation prohibits the acts forming the subject of the Convention, which has the force of law and is binding on all citizens and public officials.

72. Within the context of the ongoing legislative review aimed at harmonizing the national legislation with the relevant international instruments and resolutions, and in response to the concern expressed regarding flogging which the Prisons Act prescribes as a disciplinary penalty but which, in actual practice, is not applied in Egypt, the Ministry of the Interior has drafted a

bill of law abolishing that penalty from the national legislation which is currently in the final stages of review by specialized bodies in preparation for its submission to the present session of the People's Assembly.

Article 11

73. All legal measures relating to interrogation rules, instructions and methods and to arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment are controlled and monitored in various ways in order to ensure that the provisions of the law are complied with and that persons who break the law are called to account by law-enforcement officers, since such measures constitute the principal guarantees for the protection of the rights and freedoms of citizens. The monitoring and control of those measures with a view to preventing the occurrence of any cases of torture or abuse of authority are based on the three key elements of judicial, administrative and scientific monitoring.

Judicial monitoring

74. Judicial monitoring in this field includes the following:

(a) Any person who comes to know of the occurrence of an offence has an obligation to report it and this obligation applies to public officials in accordance with articles 25 and 26 of the Code of Criminal Procedure. This measure constitutes an important safeguard in respect of the offences referred to in this report which the victim or his relatives may be prevented from reporting as a result of the trauma to which they have been subjected. This obligation makes it possible for the said offences to come to light and for the perpetrators to be called to account in accordance with the law;

(b) The Department of Public Prosecutions and the courts are required to conduct a mandatory review of all the procedures followed in connection with the investigation of cases submitted to them and to ascertain the validity and soundness of the measures taken. They are also required to investigate the defence of the suspects in the case and to process cases in the light of the outcome; either they may invalidate the procedure or nullify the evidence ensuing from it. This obligation constitutes an important safeguard insofar as it uncovers any breach of the procedures by the judiciary and the suspect's defence counsel. The Department of Public Prosecutions is responsible for the investigation and punishment of such breaches;

(c) Failure by the investigating authorities or the courts of first instance to fulfil the above obligation and investigate the defence of the persons concerned in this respect provides grounds for challenging the judgement, which may be set aside as a result;

(d) The Department of Public Prosecutions and the examining magistrates, together with the presidents and prosecutors of the courts of first instance, appeal and cassation, have the right to enter and inspect prisons, record any infringements which come to light and take the necessary action thereon. They must also ascertain compliance with the law and regulations and examine the records and files of the prison being inspected;

(e) In view of the eagerness of the Department of Public Prosecutions, as a judicial body, to fulfil its legal obligation to conduct unannounced inspections of prisons, the Attorney-General issued Circular Letter No. 11 of 1999, referred to above, drawing the attention of the members of the Department of Public Prosecutions to all the measures to be taken when fulfilling that obligation.

Administrative monitoring

75. As part of the administrative monitoring, senior officials at all levels are required to monitor, oversee and inspect their subordinates and the work which the latter perform, to call them to account for any professional, administrative or organizational breaches on their part in connection with their work and to report to the Department of Public Prosecutions any of their actions which constitutes an offence under the law. This monitoring also involves appraising the results of the work of the departments responsible for financial, administrative and professional inspections and issuing the instructions needed to implement their recommendations.

76. In keeping wi h this monitoring obligation, the Ministry of the Interior has issued numerous circular letters drawing attention to the need for compliance with all the legal rules under which citizens must be treated properly and not harmed in any way (annex III).

Scientific monitoring

77. Scientific and research centres and universities are continuing to play an important role by keeping under constant review all measures which constitute essential safeguards for citizens. The National Centre for Judicial Studies and the National Centre for Social and Criminal Research both conduct scientific research and hold symposia and conferences, attended by members of the judiciary and the Department of Public Prosecutions, university professors, the military judiciary, the police, physicians and personnel working in the administration of criminal justice, with a view to familiarizing them with the practical aspects of penal provisions and measures by conducting scientific and statistical analyses in order to uncover any shortcomings or legal loopholes which prevent them from being applied in the optimum manner.

78. All the findings of this judicial and administrative monitoring and scientific research receive the attention of the official authorities, as do the recommendations of the above-mentioned scientific conferences and symposia which, insofar as they reflect specialist views, the Government endeavours to implement by issuing instructions or directives or, when necessary, by amending the legislation.

79. As a direct result of the scientific and research endeavours made in this field, the Code of Criminal Procedure was amended, under the terms of Act No. 174 of 1998, through the addition of article 24 bis under which criminal investigation officers are obliged to present proof of their identity when taking any measures required by their investigations.

Article 12

80. The Permanent Egyptian Constitution promulgated in 1971 guarantees the rule of law as the basis of government in the State and also stipulates that the independence and immunity of the judiciary are two fundamental safeguards for the protection of rights and freedoms (arts. 64 and 65).

81. Under article 70 of the Constitution, criminal proceedings may be instituted only by order of a judicial authority, except where otherwise provided by law.

82. The Code of Criminal Procedure is consistent with that provision, since it vests the Department of Public Prosecutions with the power to investigate and prosecute in criminal proceedings. The Department is regarded as a judicial authority and its members enjoy judicial immunity in accordance with the Judicial Authority Act.

83. By law, the Department of Public Prosecutions is permitted to refer cases to the judiciary, police investigations alone being sufficient in cases involving misdemeanours, which are offences for which the penalty is a short period of imprisonment or a fine. The Department also has a legal obligation to investigate cases involving felonies, which are offences for which the prescribed penalty is imprisonment, a term of penal servitude, hard labour for life or capital punishment. Following its investigation, the Department of Public Prosecutions has the right to either close the case for legally specified reasons or refer it to the judiciary. The law also permits complaints to be lodged against judicial decisions taken by the Department to close cases and, therefore, requires the Department to notify the victim and the civil plaintiff or, in the event of the death of either, their heirs, of any decision to close a case (Code of Criminal Procedure, art. 62).

84. The investigation procedures of the police and the Department of Public Prosecutions are conducted in accordance with the legally prescribed procedures and guarantees, to which detailed reference has already been made in Egypt's previous periodic reports.

85. On the basis of the above, the offences of torture referred to in articles 126 and 282 of the Penal Code are regarded as felonies for which the penalty may be a term of penal servitude or hard labour for life in accordance with Egyptian law. They must therefore be investigated by the Department of Public Prosecutions itself as soon as they are reported to it.

86. In such situations and depending on the circumstances surrounding each report, the first requirement of the investigation is to interview the victim, establish whether he has any apparent injuries and hear his statements concerning any torture to which he was subjected. The place where the torture allegedly took place must then be examined, the statements of witnesses for the prosecution and the defence must be heard and forensic tests must be carried out to ascertain the truth of the complaint as depicted by the victim. In the light of the findings of the forensic report, the statements of witnesses and the examination conducted, the cases must then either be sent for trial or closed due to false or insufficient evidence, failure to identify the perpetrator or for legal reasons, such as the death of the suspect or the absence of any offence. In offences of

torture, the statute of limitations cannot be invoked as grounds for the abatement of criminal proceedings. As already indicated, the Department of Public Prosecutions is required to notify the victim and the civil plaintiff or their heirs of any decision to close the case, as the victim has the right to lodge a complaint against such decisions with the judiciary.

87. In the light of the above, Egyptian law guarantees to the victim in torture cases that an investigation will be immediately conducted by an independent judicial authority that enjoys immunity, namely the Department of Public Prosecutions, which is required by law to complete the investigation in accordance with the legally prescribed safeguards for the defence of suspects and victims and to proceed in accordance with the law and within the limits of its legal authority.

Article 13

88. Under the Egyptian legal system, the right to submit a complaint is a constitutional right, as the Constitution stipulates that everyone has the right of recourse to the judiciary. It is also prohibited for laws to specify that any administrative act or decision is immune from judicial control pursuant to article 68 of the Constitution. The right to submit a complaint to the competent authorities is guaranteed to everyone under the Constitution and is covered by the Code of Criminal Procedure promulgated in Act No. 150 of 1950, which places criminal investigation officers under an obligation to accept reports and complaints which they receive concerning offences of any type and to immediately transmit them to the Department of Public Prosecutions (art. 24). By law, a complaint from the victim is a prerequisite for the institution of criminal proceedings in certain offences such as defamation, verbal abuse and theft committed by ascendants or descendants of the victim.

89. The law stipulates that a person who is deprived of his liberty has the right to submit a written or verbal complaint to the prison warden at any time and to request that it be transmitted to the Department of Public Prosecutions. The prison warden has an obligation to accept the complaint, enter it in the complaints register and report it immediately to the Department of Public Prosecutions (Prisons Act No. 396 of 1956, art. 80).

90. The complaints register is an official register which prisons are required to maintain and which is liable to be checked during judicial or administrative inspections of the prison.

91. In addition to the above, any person, including public officials, who comes to know of the commission of an offence has a legal obligation to notify the Department of Public Prosecutions or a criminal investigation officer (Code of Criminal Procedure, art. 45).

92. In the context of these general provisions and rules regulating the right of complaint, the victim in offences involving torture or harsh treatment has the right to complain to the police or the Department of Public Prosecutions. Likewise, any person, including public officials, who comes to know thereof has the right to report them. A complaint from the victim is not essential for the institution of criminal proceedings in such cases.

93. The police provide the necessary protection for the victim or witnesses at their request and their subjection to threats constitutes the offence provided for in article 327 of the Penal Code. The law also punishes false testimony by witnesses, as well as the act of coercing a witness to refrain from giving testimony, in accordance with the provisions of articles 294-300 of the Penal Code.

94. In this connection, it should be noted that the right of complaint is not subject to any statute of limitations in regard to the acts of torture which are designated as offences under articles 126 and 282 of the Penal Code since, as already indicated, in accordance with the provisions of the Constitution, criminal and civil proceedings in connection with such offences are not statute-barred. This safeguard, which is a unique feature of the Egyptian Constitution, affords the right to prosecute and punish persons suspected of committing offences of torture after any length of time and to award compensation for the harm and suffering inflicted on the victim as a result of such offences.

Article 14

Article 14, paragraph 1

95. The right of all persons to seek judicial remedy is safeguarded and guaranteed in accordance with article 68 of the Constitution. The judicial authority is also independent and is exercised by courts of various types and levels which pass judgement in accordance with the law (Constitution, art. 165). Judges are independent and, in their administration of justice, are subject to no authority other than the law, no interference being permitted in judicial affairs (ibid., art. 66) Judgements are handed down and executed in the name of the people and any refusal on the part of public officials to execute them is an offence punishable by law, the successful plaintiff having the right to bring a criminal action directly before the competent court in accordance with article 72 of the Constitution. Article 123 of the Penal Code prescribes a penalty of imprisonment and dismissal for any public official who refuses to execute a judgement, while article 63, paragraph 2, of the Code of Criminal Procedure stipulates that the successful plaintiff may institute proceedings directly against a public official or a criminal investigation officer in respect of the said offence. The Egyptian legal system therefore offers means of redress through the independent judicial authority and designates as an offence punishable by law any refusal to execute judgements handed down. With regard to the offences forming the subject of this report, article 57 of the Constitution stipulates that any encroachment on the personal liberty or privacy of citizens or on the other public rights and freedoms guaranteed by the Constitution and the law constitutes an offence in respect of which criminal or civil proceedings are not statute-barred. It also stipulates that the State guarantees fair compensation to any person who is the victim of such an offence. This constitutional rule is an important safeguard of the principles of human rights and freedoms in Egypt and applies to offences of torture insofar as they are an encroachment on the rights and freedoms guaranteed by the Constitution, as stated by the legislature in article 259 of the Code of Criminal Procedure.

96. In accordance with these general rules, Egyptian law affords victims and any parties injured by an offence the right to institute criminal proceedings, a right which devolves on the victim's heirs. Such proceedings may also be instituted against the persons bearing civil liability

for the acts of the accused (Code of Criminal Procedure, arts. 251 and 259). Compensation is at the discretion of the judges who, in making their assessment, take into account all the effects of the torture, including the costs of any rehabilitation that might be required.

97. Under article 57 of the Constitution, the State guarantees fair compensation for any person who has suffered an infringement of his public rights or freedoms or who has been subjected to torture in the above manner. Moreover, the right to compensation for offences of torture is not statute-barred and, consequently, compensation may be claimed after any length of time.

98. The right to compensation devolves on the victim's heirs on his death. If his death ensues from the act of torture, they are entitled to claim two types of compensation, namely compensation for any foreseen or unforeseen material damage, pain or suffering that they have sustained and compensation for any material damage inflicted on their testator.

99. Reference will be made in part II to the compensation awards made by the courts in cases involving abuse of authority and torture.

Article 15

100. Under the Egyptian legal system, it is a constitutional and legal principle that statements which are found to have been made as a result of torture are not admissible as evidence, since article 42 of the Constitution stipulates as follows:

> "Any citizen who is arrested or imprisoned or whose liberty is restricted in any way shall be treated in a manner conducive to the preservation of his human dignity. No physical or mental harm shall be inflicted on him, nor shall he be detained or imprisoned in places other than those which are subject to the legal provisions governing prisons. Any statement which is found to have been made under the influence or threat of anything of the above-mentioned nature shall be considered null and void."

101. Article 302 of the Code of Criminal Procedure embodies the same principle, as it stipulates that any statement by a suspect or witness which is found to have been made under coercion or threat shall be considered null and void.

102. In accordance with the above, under the Egyptian legal system this is an important constitutional and legal principle which constitutes a fundamental safeguard for citizens and which all types of civil and military courts are required to apply. This principle must also be implemented both in ordinary situations and in situations in which the Emergency Act is in force.

103. The Egyptian Penal Code does not specify any particular amount or degree of pain or torture which the victim should suffer in order for the offence of torture to apply. It extends the provision under which statements are inadmissible as evidence to cover all forms or threats of duress, physical or mental harm or imprisonment in places other than the designated locations which are subject to the laws governing prisons.

104. Failure by a court to apply this principle and respond to the defence of the person concerned constitutes a legal ground on which the judgement can be challenged.

105. It should be noted that this principle applies, in accordance with the circumstances and legal rules, to statements which are proved to the court to have been made in the above-mentioned circumstances. Obviously, this does not prevent the court from convicting the suspect on the charges against him if it is furnished with other evidence sufficient for his conviction. If such evidence is not furnished, the court must deem the statements attributed to the suspect to be null and void and must acquit him.

Article 16

Article 16, paragraph 1

106. The Egyptian Penal Code designates as an offence all forms of inhuman or degrading treatment committed by a public official since, under the terms of article 129 of the Code, it is a criminal offence to treat people, on the basis of one's official position, in a manner that is detrimental to their human dignity or conducive to physical pain.

107. The provisions of this article apply to all public officials, regardless of whether they work in the agencies concerned with the administration of criminal justice or elsewhere, and all individuals, whatever their capacity, enjoy the protection provided for therein irrespective of whether they are under arrest or in detention, etc.

108. Anything which is detrimental to the victim's dignity, including simple assault or beating that causes injury or wounds, is likewise designated as a criminal offence. Needless to say, the intent to extort a confession which, as already stated, must exist in respect of the offence of torture referred to in the Egyptian Penal Code, is not a prerequisite for the implementation of the provisions of this article.

109. With regard to individuals who are deprived of their liberty as a result of legal measures taken against them, the Penal Code affords them special additional protection; under article 127 of the Penal Code it is a criminal offence for a public official to impose on such persons either a punishment which is more severe than that to which they were sentenced or a punishment to which they were not sentenced. Article 91 bis of the Prisons Act No. 396 of 1956 also stipulates that it is a criminal offence for a public official to confine a person in any way deprived of his liberty in a location other than one of the prisons or places subject to legal control.

110. The forms of participation covered by the general principles of the Penal Code, namely instigation, consent and aiding and abetting, also apply to the above offences, which cannot be vindicated on the ground that they were perpetrated on the orders of superior officers, since such acts constitute criminal offences and their perpetrator cannot invoke his ignorance of that fact as a justification for his actions. The perpetrators of such offences, as well as those who order them or acquiesce in them, are therefore liable to punishment in accordance with the legal rules governing participation in an offence.

111. It should be noted that the offence of assault and battery which is punishable under articles 240-243 of the Penal Code overlaps with the offence, referred to in article 129 of the Penal Code, in which a public official inflicts harm on a victim by beating him.

112. In such a case, the penalty prescribed for the most serious offence applies pursuant to the provisions of article 32 of the Penal Code. If the assault causes permanent disability or death, the penalties prescribed for the felonies specified in articles 234 and 240 of the Penal Code apply.

113. It is also noteworthy that the obligations arising from articles 10, 11, 12 and 13 of the Convention fully apply to the persons referred to in article 16.

Article 16, paragraph 2

114. As required by this article, the provisions of the Convention have in no way been prejudicial to the provisions of Egyptian law which prohibit acts of cruelty.

II. REPLIES TO THE COMMITTEE'S RECOMMENDATIONS RESULTING FROM ITS CONSIDERATION OF EGYPT'S THIRD PERIODIC REPORT*

115. This part will cover the following matters in detail:

(a) Results of the plans and programmes for the improvement of prison conditions;

(b) Registers of detainees;

(c) Effective measures taken to prevent and punish the offences forming the subject of the Convention;

(d) Protection of women from threats of abuse as a means to obtain information from them;

(e) Information concerning the number and circumstances of deaths in police custody during the last five years;

(f) Question of a declaration in favour of articles 21 and 22 of the Convention.

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* The statistical data on complaints, judicial measures and compensation awards contained in Part II are taken from statistics provided by the Department of Public Prosecutions and the Ministry of the Interior to the committee concerned in the Ministry of Justice.

A. Results of the plans and programmes for the improvement of prison conditions

116. The plans and programmes for the upgrading and modernization of prisons and for the improvement of prisoners' conditions, previously referred to in the written replies provided by Egypt during the discussion of its third report, produced the following results.

117. Plans for the modernization of prisons included the following:

(a) Between 1995 and 2000, 14 new prisons were built in the various governorates at a total cost of over 1 billion Egyptian pounds;

(b) All other prisons were renovated over the past five years at a total annual cost of approximately LE 7 million.

118. Plans for improvement of the welfare of prisoners included the following:

(a) Ministerial Ordinance No. 691 of 7 March 1998 amending the rules and regulations relating to the treatment and living conditions of prisoners, including the following:

(i) Prisoners' food rations were adjusted based on the findings of studies conducted in conjunction with the National Institute of Nutrition with a view to improving the standard of meals. Consequently, the Ministry more than doubled the annual budgetary appropriations from LE 27 million to the current amount of LE 62 million;

(ii) The standard of prisoners' furnishings, equipment and clothing was improved and a special standard for pregnant and nursing women was established.

(b) Social welfare for prisoners and their families:

(i) In 1999-2000, the benefits awarded to prisoners' families under Act No. 30 of 1977 amounted to LE 2,608,298;

(ii) The number of social workers rose from 62 in 1995 to 153 in 2000;

(iii) Over the past three years, prison libraries were stocked with 21,398 books at a total cost of LE 66,900;

(iv) The number of seminars, lectures and film screenings was increased, prisons were supplied with televisions and cells were fitted with ceiling fans.

(c) Educational welfare:

(i) In 2000, a total of 5,266 prisoners were pursuing studies at all educational levels, including university. Two prisoners obtained a doctorate, two obtained a master's degree and 11 were enrolled in further education;

(ii) The number of literacy classes increased from 48 in 1995 to 151 and a total of 3,140 students achieved literacy as a result of attending these classes.

(d) Health care; including both prevention and treatment:

(i) Preventive medicine. All prisons are visited by mobile units from the National Programme to Combat Tuberculosis, whose staff give physical examinations, tests and X-rays to all inmates and dispense treatment to patients who have the disease, a practice which will continue until tuberculosis is eradicated from prisons. A vehicle specially equipped for mass screening with a view to early detection of the disease has been purchased and representatives of the World Health Organization have visited prison hospitals and commended the results achieved. The necessary inoculations against other contagious diseases have also been given in association with the Ministry of Health;

(ii) Therapeutic medicine:

- A medical clinic run by a physician has been set up in every prison and the services offered by such clinics have been enhanced by the appointment of physicians specializing in the various branches of medicine;

- Specialist central hospitals have been built and the hospital bed capacity rose from 260 in 1997 to 780 in 2000. Prison hospitals are now equipped with a total of seven operating rooms, in which 1,101 surgical operations have been performed, 185 of them requiring specialist skills;

- All inmates have been issued with a medical card that allows monitoring of their state of health and any symptoms of disease and provides a record of all health care received by them. The results cited reflect the degree of success achieved by the plans for the improvement of prison facilities and prisoners' conditions.

B. Registers of detainees

119. Pursuant to article 75 of the Prisons Act, it is mandatory in accordance with the requirements of prison work to maintain various registers, namely the general prison register and registers of personal belongings, employment, punishments, escapees, complaints, requests and visits. Under the Act, the Attorney-General and the Director-General of Prisons may require the maintenance of other registers which are deemed essential to implementing the provisions of the Act. Such registers are regarded as official registers which are subject to inspection and monitoring, whether administrative inspection by the relevant authorities of the Ministry of the Interior or judicial monitoring in the form of periodic or unannounced inspection by members of

the Department of Public Prosecutions or the judiciary. Any failure to record entries in these registers in accordance with the law is a violation and an offence which entails administrative or criminal accountability.

120. All places of custody, whether prisons or police stations, are subject to the Prisons Act. There are no places of custody which are not subject to the Prisons Act. As for the issues raised in connection with the premises of the State Security Investigation Department, these are administrative premises and not legal places of custody.

121. Annex I containing Circular Letter No. 11 issued by the Attorney-General sets out the measures to be taken by members of the Department of Public Prosecutions when inspecting prisons and places of police custody.

C. Effective measures taken to prevent and punish the offences forming the subject of the Convention

1. Measures to prevent acts prohibited under the Convention

122. In the introduction of this report containing information of a general nature and in its commentary on article 10, Egypt provides details of the general preventive measures which it is taking in this connection in the fields of education, training, information and promotion of awareness of the Convention. These measures include the circular letters issued by the central authorities to personnel of the Department of Public Prosecutions or the Ministry of the Interior, which always contain reminders of the duties and responsibilities to be assumed and the courses of action to be avoided during the exercise of their functions. They also warn of the sanctions to be expected if an offence is committed.

123. The circular letters issued in this regard by the Ministry of the Interior clearly demonstrate the major importance attached to maintaining the Ministry's general policy of respecting human rights and fundamental freedoms and ensuring that no infringement of such rights and freedoms occurs other than in accordance with the law and by means of judicial measures (annex III). Annex I also sets out the measures to be taken by the local public prosecutor representing the Department of Public Prosecutions when conducting a final periodic inspection of prisons and places of custody, including the requirement to proceed instantly to the scene in order to investigate specific reports concerning detainees with a view to taking immediate action in connection with any offences revealed by such inspections.

2. Measures to punish the perpetrators of acts of torture and other forms of cruel treatment

124. The following statistics show the punitive measures imposed on any person proved guilty of such acts and the compensation awarded to victims.

125. The following table shows statistics on the action taken by the Department of Public Prosecutions concerning cases which it handled of complaints relating to offences forming the subject of the Convention, such as torture, use of cruelty, ill-treatment and unlawful

detention, that were filed against officers and members of the police in 1998, 1999 and to 1 October 2000 in accordance with the provisions of articles 126, 127, 129, 240, 241 and 242 of the Penal Code:

Table 1

Action taken against officers and members of the police

Year	Administrative sanction	Disciplinary trial	Criminal trial
1998	17	3	29
1999	22	1	29
2000	13	7	20

126. The term "administrative sanction" denotes cases referred by the Department of Public Prosecutions to the administrative authority to which the accused person is subject for the purpose of imposing administrative sanctions in cases where the act perpetrated does not constitute a serious breach of official duties and is not a criminal offence; the term "disciplinary trial" denotes cases referred by the Department of Public Prosecutions to the disciplinary board for the imposition of an administrative sanction on the accused person in cases where the act perpetrated constitutes a serious breach of official duties and is not a criminal offence.

127. The above reflects the concern of the Department of Public Prosecutions to fulfil its judicial obligations, as stipulated by law, to call to account the perpetrators of offences and violations, even in the absence of any criminal responsibility, by seeking the imposition of an administrative sanction or disciplinary trial in cases where official duties have been breached.

128. The following tables show statistics of the Ministry of the Interior on punitive measures and on compensation for offences and acts forming the subject of the Convention:

Table 2

Administrative sanctions imposed exclusively on officers for offences forming the subject of the Convention for the period 1997-2000

Year	Number of officers sent for criminal trial	Number of officers referred to the Police Officers' Disciplinary Board	Number of disciplinary sanctions imposed on officers
1997	-	6	19
1998	2	2	12
1999	10	4	12
2000	9	14	26

Table 3

Final compensation awards made to victims for the period 1997-2000

Year	Number of compensation awards made to citizens and implemented
1997	2
1998	4
1999	8
2000	3

Table 4

Final civil compensation awards made to victims and implemented in the cases indicated for the year 2000

Case No.	Plaintiff	Subject of the case	Award	Date
1. 107,149/49 Benha court of major jurisdiction	Male citizen	Compensation for cruel treatment	LE 10 000	30 July 2000
2. 2,496/99 Minya court of major jurisdiction	Female citizen	Compensation for torture	LE 7 000	26 June 2000
3. 121/98 Ismailiyya court of appeal 709/23 Prisons Act	Two male citizens	Compensation for cruel treatment and beating	LE 2 000 for the first appellant and LE 5 000 for the second appellant	11 April 2000

129. The statistics shown reflect the attention and concern devoted by the Ministry of the Interior to affirming its policy of respecting and protecting human rights and fundamental freedoms. They also reflect its efforts to punish any of its personnel who commit breaches of the law or regulations and to execute judgements handed down by the judiciary in that respect.

D. Protection of women from threats of abuse as a means to obtain information from them

130. Under the Penal Code, any form of violence against a human being, whether man or woman, is a criminal offence, regardless of the identity of the perpetrator or the motive. The Penal Code also singles out a number of offences committed against women specifically, such as abortion, abduction, rape and acts of indecency, and increases the penalty for some offences if the victim is a woman. The penalties prescribed for acts of violence and bodily harm are graded in accordance with the provisions of Egyptian law on the basis of the seriousness of the offence, the heaviest penalty being imposed for offences of murder, abduction, rape and torture leading to the death of the victim and the penalty being successively reduced to detention or a fine for offences of simple assault or indecency.

131. In regard to the perpetrators of offences of violence, the Penal Code provides for particular offences that might be committed by public servants in the performance of their duties, such as torture, use of cruelty and the act of holding persons in custody in places other than those designed for such purpose or holding persons in unlawful custody while also torturing them or threatening to do so or imposing a penalty which is more severe than the one prescribed. It also stipulates heavier penalties for such offences, depending on their seriousness.

132. In accordance with the above, any act of harm, violence or threat against a woman when she is in legal custody or in custody in a place other than those prescribed by law constitutes an offence for which the perpetrator is liable to the prescribed criminal penalties based on the nature of the offence and the capacity of the perpetrator. The Department of Public Prosecutions, a judicial body which has the same immunity as judges and is not part of the executive authority, is responsible for investigating such offences and ensuring immediate attendance at the scene in order to verify the facts and take action. It is incumbent not only on the victim, but on all citizens, to report such offences. To that end, the Department of Public Prosecutions and presiding court judges are authorized by law to conduct periodic unannounced inspections of prisons and places of custody in order to verify any such offences and conduct an immediate investigation in the above-mentioned manner. Any members of the police who are proved to have committed such offences are liable to the legally prescribed penalties in addition to disciplinary action.

133. The statistics shown in section C indicate the penalties and awards given in this regard.

E. Information concerning the number and circumstances of deaths in police custody during the last five years

134. Deaths of detainees held in prison or in police custody are subject to special measures required by law.

135. Under article 78 of the Prisons Act, the Department of Public Prosecutions must be immediately notified by the prison warden or chief prison officer of any case where a prisoner or detainee dies suddenly or as a result of an accident, injury or escape. The judicial directives also stipulate that, in the event of such notification, members of the Department of Public Prosecutions must immediately investigate the incident, take the requisite action, apprehend the perpetrators and assign a medical examiner to perform an autopsy and specify the causes of death. They must also issue authorization from the Department of Public Prosecutions for the burial.

136. A list of such cases of complaint filed by individuals and non-governmental organizations has been initially compiled for the years 1997, 1998 and 1999 and shows that there were 3 cases in 1997, 12 cases in 1998 and 5 cases in 1999. The Committee will be informed of the final outcome once the judicial authorities have completed their investigation of these cases, some of which have been closed because the investigations and medical reports showed that no criminality was suspected in the death. In other cases, the judicial measures are under way to completion.

F. Question of a declaration under articles 21 and 22 of the Convention

137. Egypt's position in regard to the making of such a declaration is currently under consideration.

Conclusion

138. In presenting its fourth periodic report to the Committee, Egypt wishes to emphasize its commitment and its willingness to reply to any questions from the expert members of the Committee as part of its compliance with the provisions of the Convention forming the subject of this report.

ANNEX I

Arab Republic of Egypt

Department of Public Prosecutions

Office of the Assistant Attorney-General

Director of Judicial Inspections

Circular Letter No. 11 of 1999 from the Attorney-General

The judicial directives for the offices of the Department of Public Prosecutions of 1980, as amended by Ordinance No. 837 of 1999 issued by the Attorney-General [appendix], were regulated in section 2, chapter XXI of the rules relating to the periodic inspection of prisons on the basis of the legally prescribed jurisdiction of the Department of Public Prosecutions to supervise prisons and other places in which criminal sentences are served.

Within the framework of that regulation, we draw the attention of the members of the Department of Public Prosecutions to the other rules which must be strictly followed when conducting unannounced inspections of police stations or other police locations upon receipt of written or verbal notification or information that a prisoner or detainee is being held unlawfully in such places. These rules are as follows:

1. The most senior member of the office of the Department of Public Prosecutions at a court of summary jurisdiction shall promptly question the informant or the complainant cited in the investigation report, if he is present, and, having notified the solicitor-general of the incident, shall proceed to the reported place of detention or confinement, together with such members of the Department of Public Prosecutions as are deemed necessary to accompany him.

2. The member of the Department of Public Prosecutions conducting the inspection shall take the necessary measures to verify the reported incident of detention or confinement, establish the identity and place of residence of the prisoner or detainee and ascertain whether he - or any other person discovered during the course of the inspection - is being held illegally. He shall record an entry in the police registers to the effect that the inspection has taken place, following which he shall assign to the competent police officer the task of immediately sending the prisoner or detainee to the office of the Department of Public Prosecutions, together with any person held with him in the same place of detention or custody whom it is deemed necessary to question.

During the inspection, the member of the Department of Public Prosecutions must retain his composure and self-control, take prompt action, deal correctly with the officers and members of the police and avoid any action which may hinder or undermine achievement of the desired purpose of the inspection.

3. After the member of the Department of Public Prosecutions returns to the office of the Department, he shall record in the inspection report details of the inspection measures which he took and any apparent offences or violations, as well as anything which he noted when examining or questioning the prisoner or detainee and witnesses. He shall then order the immediate release from the office of the Department of any person who was being held in unlawful detention or confinement.

If the police fail to carry out the order to bring the prisoner, detainee or witnesses to the office of the Department of Public Prosecutions or if they fail to do so promptly, the member of the Department of Public Prosecutions must so notify the solicitor-general in order for the necessary action to be taken in that regard.

4. Following completion of the above, the member of the Department of Public Prosecutions shall forward the case file to the solicitor-general, who shall entrust them to a senior prosecutor attached to a court of major jurisdiction with a view to the completion of investigations - under his supervision - and preparation of the case for processing.

5. The case shall thereafter be sent to the senior solicitor-general attached to the court of appeal, together with the memorandum of opinion.

6. In accordance with the judicial directives for the offices of the Department of Public Prosecutions, prisons must be periodically inspected on an impromptu basis at least once a month. A report commenting on the outcome of the inspection must also be written and a copy sent to the Office for International Cooperation, Judgement Enforcement and Prisoners' Welfare. A copy must also be sent to the senior solicitor-general attached to the court of appeal through the solicitor-general attached to the court of major jurisdiction.

We take confident pride in the aptitude of the members of the Department of Public Prosecutions and in their ability to assess matters properly and implement these rules correctly.

God is the arbiter of success.

The Attorney-General

Issued on 25 October 1999

Appendix to annex I

Ordinance No. 837 of 1999 of the Attorney-General amending some of the provisions on criminal matters contained in the judicial directives for the offices of the Department of PublicProsecutions

Article 1749: When inspecting prisons and places of custody, the members of the Department of Public Prosecutions must comply with the following rules:

1. The said inspection shall be conducted by the most senior member of the office of the Department of Public Prosecutions.

2. The member of the Department of Public Prosecutions conducting the inspection shall examine the detention or custody orders or the written confinement order in respect of the detainee or the enforcement orders, ascertain that they are summarized in the prison records and request a copy of the custody order if none is available.

3. If the member of the Department of Public Prosecutions finds that any person is being held in detention or custody unlawfully or in a place other than those intended for such purpose, he shall immediately write a report to that effect and shall order his immediate release in the former instance and his confinement in a place intended for such purpose in the latter instance. He shall record the same in the report, stating the time, date and details of the recipient of the order for release or confinement, who must also sign the report.

4. The member of the Department of Public Prosecutions shall, on his return to the office of the Department, complete the inspection report and include therein details of any offences or violations which came to his notice. He shall then promptly notify the solicitor-general attached to the court of major jurisdiction and forward the report to him.

5. If the inspection leads to no comments, it shall be sufficient for the member of the Department of Public Prosecutions to sign the records of the prison or place of custody, indicating that the inspection has taken place.

Article 1749 bis: The solicitor-general shall entrust a member of the office of the Department of Public Prosecutions attached to the court of major jurisdiction to investigate any offences or violations mentioned in the inspection report referred to in the preceding article and shall send the case, together with the memorandum of opinion, to the Assistant Attorney-General through the senior solicitor-general attached to the court of appeal.

ANNEX II

Arab Republic of Egypt

Ministry of the Interior

The Minister

Ministerial Ordinance No. 6181 of 1999 establishing the Human Rights Committee

The Minister of the Interior,

Having considered the Police Force Act No. 109 of 1971, as amended,

And the memorandum of the Directorate-General for Regulation and Administration dated 7 June 1999,

Hereby decides

Article 1

A Human Rights Committee shall be established under the chairmanship of the Major-General, First Under-Secretary of State for Legal Affairs, and including among its members the following:

- The director of the Department of Public Security;
- The director of the Directorate-General for Officers' Affairs;
- The director of the Directorate-General for Information and Public Relations;
- The director of the Directorate-General for Police Personnel Affairs;
- The director of a directorate-general of the State Security Investigation Department;
- The director of a police academy branch holding the rank of director of a directorate-general;
- The director of a directorate-general of the Monitoring and Inspection Department;
- The director or deputy director of a directorate-general of the Department of Prisons;
- An officer from the State Security Investigation Department shall act as secretary of the Commission.

Article 2

The Committee shall be competent to:

- Study and propose ways and means to ensure more thorough and effective protection of human rights in the dealings and contacts which the agencies of the Ministry have with citizens so as to safeguard those fundamental rights in accordance with the criteria followed in that connection;

- Endeavour to deepen the belief among all personnel working for the agencies of the Ministry that human rights and fundamental freedoms must be protected and find channels of communication and cooperation with all the agencies and mechanisms concerned therewith;

- Explore all the potential obstacles to the enjoyment of human rights and fundamental freedoms and devise the best solutions for the removal of such obstacles;

- Study and examine any matters arising in connection with human rights and fundamental freedoms and take the necessary measures based on the findings of the study;

- Propose the organization of seminars, conferences, training courses and research aimed at deepening and entrenching the concept of human rights.

Article 3

First under-secretaries and under-secretaries shall implement this Ordinance within their respective spheres of competence and anything which contravenes it shall be annulled. It shall take effect from the date of its promulgation.

Minister of the Interior

Done on 9 June 1999

ANNEX III

Ministry of the Interior

Office of the Minister

Directorate-General for Officers' Affairs

Penalties

Circular Letter No. 6 of 1998 from the Major General/Under-Secretary for Police Personnel and Chairman of the Higher Police Board

Sir,

- One of the Ministry's guidelines, with which it endeavours to comply, is to treat citizens well, provide them with the best means of guaranteeing their security and protect their interests within a framework of mutual respect that is consistent with enforcement of the law and regulations. To that end, a number of circular letters have been issued.

- It has been noted, however, that citizens repeatedly complain about the abuse to which drivers in general are subjected by traffic officers.

- The Monitoring and Inspection Department assessed the situation on the basis of a complaint from a citizen that he suffered detriment as a result of his ill-treatment by a traffic officer, who withdrew his vehicle permits without justification and subjected him to verbal abuse.

- The Minister has approved the recommendations which resulted from that assessment, including the preparation of a circular letter to remind traffic officers in particular to treat citizens properly in a manner consistent with the need to take legal measures in regard to any traffic offences which occur.

We accordingly wish to inform you to take the necessary steps to publicize the circular letter and implement the measures approved by the Minister.

The Directorate-General takes this opportunity to convey to yourself and your colleagues its best wishes for continuing success.

The Major General
Director of the Directorate-General
for Officers' Affairs

9 February 1998

Ministry of the Interior

Office of the Minister

Directorate-General for Officers' Affairs

Penalties

Circular Letter No. 19 of 2000 from the Major General/Director of the Directorate-General for Police Personnel Affairs

Sir,

We have issued a number of circular letters, most recently Circular Letter No. 22 of 1999, affirming the general policy pursued by the Ministry to raise and enhance the standard of the security performance of the various agencies with a view to achieving the eminent mission of the police, which is to create a sense of reassurance among citizens and render security services to them in a smooth and dignified manner and with the commitment thus required from all the agencies of the Ministry to perform their various functions, treat citizens correctly, respect the rights guaranteed to them by law and take prompt action on reports submitted by them.

Further to those circular letters, we are pleased to inform you that the Monitoring and Inspection Department has identified the administrative and supervisory personnel who were responsible for the delay in attending the scene of a reported collision in which people were injured and for the failure to take the necessary legal measures, as a result of which the vehicle driver who caused the accident fled in the vehicle involved therein.

The Minister has therefore approved the resulting recommendation to issue a reminder by means of circular letters and directives which emphasize the importance of paying heed to reports from citizens, taking prompt legal action on such reports and ensuring that there is no delay in attending the scene to investigate the reports.

I request you to take the necessary action in connection with the approval given by the Minister and to assign to supervisory and senior personnel the task of closely and carefully following up the implementation thereof.

The Directorate-General takes this opportunity to convey to yourself and your colleagues its best wishes for continuing success.

The Major General
Director of the Directorate-General
for Officers' Affairs

30 April 2000

Ministry of the Interior

Office of the Minister

Directorate-General for Officers' Affairs

Penalties

Circular Letter No. 20 of 2000 from the Major General/Director of the Directorate-General for Police Personnel Affairs

Sir,

Further to our various circular letters, most recently Circular Letter No. 22 of 1999, affirming the general policy of the Ministry which requires that all members of the police force should treat citizens correctly and render security services to them in a smooth and dignified manner, that being one of the Ministry's main guidelines aimed at building and strengthening trust and cooperation between the police force and respectable citizens.

And given that the Ministry has agencies which monitor the proper treatment of citizens and any transgressions which occur in that respect and which also take the necessary steps to reward diligence and deter offenders without hesitation or delay.

The Monitoring and Inspection Department has assessed the situation and identified the responsible administrative and supervisory personnel in connection with the incident in which citizen ... was maltreated by an officer. The Minister has accordingly approved the resulting recommendation to instruct the security directorates and the main departments and directorates-general to convene regular meetings aimed at raising awareness among investigative officers and personnel working in the service of citizens and at emphasizing the need to treat citizens properly and gain their trust, as well as the need to take psychological and humanitarian considerations into account in their dealings with them.

I request you to take the necessary action in connection with the approval given by the Minister and to assign to supervisory and senior personnel the task of thoroughly and carefully following up the implementation thereof.

The Directorate-General takes this opportunity to convey its best wishes to yourself and your colleagues for continuing success.

The Major General
Director of the Directorate-General
for Officers' Affairs

7 May 2000